

# **Subcommittee on Public Safety and Corrections**

## **Report on the Department of Corrections**

**Chairman - Representative Elbert Guillory**

**Members - McVea, Hazel, Smiley, G. Smith**

**Representative Richmond also attended the meeting.**

### **Summary of Committee Meeting**

The Appropriations Subcommittee on Public Safety and Corrections met on March 12, 2008 to hear testimony on the budget for the Department of Corrections. Chris Keaton, budget analyst for the House Fiscal Division, presented the budget for the department, including a review of the department's means of finance, significant budget increases for FY 08-09, significant budget decreases for FY 08-09, a listing of all adult correctional facilities, historical data on the numbers of inmates in state and local facilities, adult incarceration rates, and information on incarceration costs and costs of medical services.

Mr. Keaton discussed the following significant budget adjustment increases: \$13.3 million SGF for overtime payments; \$10.6 million SGF for state employee merit increases; \$8.8 million SGF to annualize funding for positions at the skilled nursing facility at Elayn Hunt; an additional \$5.8 million Statutory Dedications (SD) for acquisitions and major repairs; and \$1.6 million SGF for health insurance costs. The largest decrease was the elimination of 164 vacant positions and \$10.6 million SGF in associated funding. Mr. Keaton also told the committee that the budget for Local Housing of Adult State Inmates was \$152.8 million and that the department projected a slight deficit in the current fiscal year which might be addressed through a supplemental appropriation

Secretary Jimmy Leblanc gave a presentation on the Department of Corrections including its mission, goals, priorities, incarceration rates, recidivism rates, securing identification cards for inmates who are released back into the communities, skills training for inmates, and increasing job resource fairs for inmates. He specifically talked about the department's efforts to address offender reentry back into the communities. Secretary Leblanc said that Louisiana citizens being incarcerated are overwhelmingly characterized by a lack of education, a high rate of poverty, a lack of substance abuse programs and mental health programs in communities. Secretary Leblanc said that the department has enough money in its budget and he will look to do things differently in the department to take advantage of his current budget resources. The department is focused on employee training and performance appraisals. Corrections has a great deal of mental health issues. The department releases 15,000 inmates per year. For every 1,000 inmates who do not recidivate, Louisiana realizes a savings of \$15 million per year. Secretary Leblanc wants to work with the Dept. of Labor to help inmates get back into the workforce. Secretary Leblanc wants the Probation and Parole Office to move away from focusing strictly on the collection of fees.

## Questions

Representative Smiley asked how many inmates are in GED programs. Undersecretary Boudreaux said that 811 GED's were issued last year and 1,519 inmates are currently in GED programs. Representative Smiley asked about the status of the department's computer capabilities. Undersecretary Boudreaux said that the department's system is from the early 90's and it outdated. Representative Smiley also asked what type of training the department provides for correctional officers. Secretary Leblanc said the department provides 120 hours of training and most people who do leave will do so in the first three months. He did say that the \$6,000 pay raise is helping to lower this turnover rate. Representative Smiley also thanked the department for their efforts on litter control. He also asked why the department had so many sex offenses (2,300) in the prisons. Secretary Leblanc said that most of those are minor offenses but that it needs to be fixed. Representative Smiley also asked why telemedicine visits are declining. Secretary Leblanc said that the doctors are not available to provide these services. Undersecretary Boudreaux said that every institution has the capability but that LSU does not have the number of doctors to assist them.

Chairman Guillory asked if the department has the proper finances for reentry programs. Secretary Leblanc said that he could use some additional funding in that regard, but that the department needed to organize their current resources before they could request additional funding. Chairman Guillory also asked about the \$13.3 million for overtime costs at the same time that staff was being decreased. Secretary Leblanc said that if he could move some of that overtime money into job appointments so he could pay straight time instead of time and a half for overtime. Chairman Guillory asked if the high number of probation and parole offenders per agent is too much. Secretary Leblanc said that he was pursuing amendments with the Division of Administration to use job appointments in Probation and Parole. This would require budget flexibility, but no additional funding.

Representative Hazel asked about the numbers of inmates on probation and parole. Secretary Leblanc said that 39,296 inmates are on probation and 24,000 are on parole.

Representative Richmond asked how much time the department spends on bringing inmates back to court for post-conviction relief motions. Undersecretary Boudreaux said that the department has a number of trips that go out on a daily basis. Representative Richmond asked the department to do this by teleconference to save money. The department does use teleconferencing for the 19<sup>th</sup> JDC and for some probation and parole hearings. Representative Richmond said that the sentencing commission needs to be more active. He would also like the Department of Labor to provide Corrections with forecasts of jobs so that Corrections can train inmates in those fields. Representative Richmond also said that sheriffs are not reimbursed for inmates who are picked up on probation. This depends on when the judge makes a determination of whether to revoke the probation, so the local municipalities are required to pay the cost of incarceration for those inmates. Representative Richmond also said that the cost for telephone calls for inmates seemed to be very high. Undersecretary Boudreaux said that the rates are what the Public Service Commission standards are and are cheaper than a person would pay on a payphone. Parish facilities contract with

local providers. Corrections monitors the calls and has call lists. Secretary Leblanc says that credit or debit cards would create more problems and are actually higher costs than the other rates. Undersecretary Boudreaux offered to take the committee on a tour of any of the prisons. Representative Richmond asked about the case of inmates who were incarcerated in solitary confinement for years. Secretary Leblanc said that the department is in the process of settling the case and changes to some of the department's regulations related to protective custody.

## **Report on the Department of Public Safety**

**Chairman - Representative Elbert Guillory**  
**Members - McVea, Hazel, Smiley, G. Smith**

The Department of Public Safety includes the following agencies: Management and Finance, State Police, Motor Vehicles, Legal Affairs, State Fire Marshal, LA Gaming Control Board, Liquefied Petroleum Gas Commission and the LA Highway Safety Commission.

### **Summary of Committee Meeting**

The Appropriations Subcommittee on Public Safety and Corrections met on March 26, 2008 to hear testimony on the budget for the Department of Public Safety. Chris Keaton, budget analyst for the House Fiscal Division, presented the budget for the department, including a review of the department's means of finance, significant budget increases for FY 08-09, significant budget decreases for FY 08-09, means of finance swaps, and total budget for each agency within Public Safety.

Mr. Keaton discussed the following significant budget adjustment increases: \$6.5 million Self-generated Revenue and Statutory Dedications (SD) and 50 positions for a new cadet class for State Police; \$6 million SD/FED for a State Police community policing grant for technology equipment; \$4.9 million SD for State Police information technology projects; an additional \$1.8 million SD for State Police crime lab purchases; \$1 million SGF for State Police firearms training; and \$857,000 SGF for State Police's Air Support Unit. One significant decrease was the elimination of 45 vacant positions and \$2.4 million SGR/SD in associated funding. The department's budget was also decreased in certain areas to non-recur funding for projects which will be completed in the current fiscal year.

Deputy Secretary Colonel Mike Edmonson addressed the committee and introduced the directors of the Public Safety agencies. He said that he is traveling the state to meet local law enforcement to partner with them. He said that State Police will fill 30 positions with an attrition class. He talked about the Fire Marshal's efforts to speed up the plan review process. Colonel Edmonson said that he would make efforts to turn over State Police to move troopers to the road. He said that State Police road troopers has not kept up with population growth. He also wants to get troopers to

participate in more training classes.

### **Questions**

Representative Hazel asked if any of the budget changes significantly affected the crime labs. Mr. Keaton said that one-time funding for regional crime labs was non-recurred for next year's budget.

Chairman Guillory asked what impact the personnel cuts would have on the department. Colonel Edmonson said he has asked for some exemptions to the personnel cuts and that State Police will have an additional 50 troopers through a manpower class. Also, he has worked with the Division to be able to fill vacant positions in the LA State Police Crime Lab.

Chairman Guillory also asked if troopers have the proper equipment including bullet proof vests. Colonel Edmonson said that the troopers are properly equipped.

Representative McVea asked how many trained troopers are in the vehicle inspection division and gaming division. Colonel Edmonson said State Police has 294 positions in the Gaming Section and 870 positions in Traffic Enforcement. He said that he is trying to move as many troopers as possible to the road, and he will move troopers to the roads when they are not doing other special functions.

Representative Gary Smith asked about the vacant positions that were eliminated and Col. Edmonson said that he had received exemptions to fill the positions that he needed. Representative Smith asked how LA compared to other states with regard to troopers on the road. Col. Edmonson said that LA was in the middle compared to other states. He also said that recent salary increases have helped attract and retain troopers. Colonel Edmonson spoke about the Joint Emergency Services Training Center and his hopes to provide this site for training of state and local government agency personnel. Representative Smith also wanted to know if State Police would continue to receive state funding for firearms training. Mr. Keaton said that federal funds were used in the past to fund firearms training and continued funding would be a decision of the governor and the legislature. Representative Smith asked how the state was progressing with regard to interoperable communication. Colonel Edmonson said that the infrastructure was in place in the southern part of the state, and that the state was continuing to try to purchase radios and equipment for local law enforcement throughout the state.

Representative Hazel asked if State Police would still be able to perform hazardous materials efforts, narcotics enforcement, and apprehending sex offenders. Col. Edmonson said that he would ensure that the manpower would be present for all those functions.

Representative Smiley was encouraged by Col. Edmonson's efforts to work with local law enforcement. He wanted to know if State Police was looking at auxiliary support. Col. Edmonson said that State Police was looking to use retired officers to help with criminal background checks. Representative Smiley said that he would like to see retired officers assist troopers and ride with them on patrol.

Butch Browning, State Fire Marshal, spoke about plan review and the Fire Marshal's Office efforts to address backlogs. They had 14 unfilled positions in the architect section, which created a backlog. They have cut their backlog in half by working overtime and asked code enforcement personnel to do pre-reviews of plans. They should be completely caught up within a few weeks and plan reviews will take less than a month. They are instituting long-term strategies and are asking for exemption of the 14 frozen positions. They will also allow the architects to work in other parts of the state rather than requiring architects to be domiciled only in Baton Rouge.

Representative Smiley wanted to confirm that the additional positions in the Fire Marshal's Office were related to the move of the LA Manufactured Housing Commission to the Fire Marshal's Office. Butch Browning confirmed that.

Representative Hazel wanted to know how the reduction of the one-time crime lab money would affect crime labs. Major Jerry Patrick, of State Police, said that LA State Police is the only lab in the state that handles toxicology cases. There is a 4,700 case backlog and the money that goes to local crime labs would help them with other areas of criminal data analysis but not toxicology.

Chairman Guillory asked what needs to be done to speed up the process to ensure people don't have to remain in jail waiting on DNA analysis. Major Patrick said that the average turnaround time for DNA forensic analysis is 225 days. Chairman Guillory asked if local crime labs needed continuing financial support from the state. Major Patrick said that the local crime labs work in partnership with the LA State Police Crime Lab and the local crime labs handle a large share of the analysis in their areas. He believes that local crime labs have significant backlogs.

Representative Hazel wanted to know if all of the state inmates have had DNA tests and if DNA samples are taken from arrestees. Major Patrick confirmed that state inmates have had DNA tests and training is taking place to obtain samples from arrestees. He also said that the slower part of the process is samples have to be reviewed by scientists which is time consuming. State Police is considering new technologies to assist in reviewing samples, which could speed up the process.

Representative Smith asked if Motor Vehicles was overloaded in the field offices and how would the decrease in the 14 positions affect the office. Kay Hodges, Motor Vehicle Commissioner, was hopeful that any positions over the 14 positions would be exempted. She is moving employees around to handle problems in the New Orleans area. They are trying to establish an office in Chalmette, LA. It should be easier to train new employees on the new motor vehicle system. Ms. Kay Hodges also said that the new system would combine the drivers license and vehicle registration systems and should help to eliminate problems. However, if an error is made by the court system it could cause a problem. Insurance companies have gotten better about reporting with fewer errors. 34% of the people eligible to renew registrations over the internet do so. The department is looking at ways to allow more citizens to renew their drivers' licenses electronically.

Representative Smiley wanted to know the total cost of the computer system. Ms. Hodges said that the total cost of the system would be about \$31 million. The system is tailored to Louisiana's unique laws related to mandatory insurance and there was a lot more work required than what was

anticipated. It will be easier to implement new laws with the new system.

Colonel John Leblanc, newly appointed director of Highway Safety, said that he would like to lower the fatalities and serious vehicle accidents in Louisiana. He said that impaired driving and lack of seat belt usage are contributors in 40% of the fatalities in Louisiana. Chairman Guillory asked what the state could do to reduce DWI fatalities. Colonel John Leblanc said stiffer DWI laws, more enforcement, and stiffer prosecution could reduce such fatalities.

Representative Smiley asked if the Highway Safety Commission knew how to get all the federal funds that are available. Colonel John Leblanc said that his staff was proficient in obtaining federal funding.

Representative McVea asked Col. Leblanc to take on the issue of cell phone usage during driving. Col. Leblanc said that it was an issue and that there were several bills that would address that issue.

Russell Hammond from the Calcasieu Parish District Attorney's Office addressed the committee regarding the backlog of toxicology cases. He said HB 492 and SB 274 would attempt to change the way the crime lab worked and let the locals have the ability to outsource some of those cases to private labs. State Police said that \$900,000 of equipment would give them a 35% increase in the amount of toxicology production. State Police would need two more people in the toxicology section. State Police takes in 500 cases a month and they are only able to process 250 of these cases, which adds to their backlog. Illegal use of prescription medication is driving up the number of cases. People take prescriptions to multiple places to buy the drugs and then illegally sell them. It will take \$1.8 million to fix the backlog in toxicology cases.

## **Report on the Department of Youth Services**

**Chairman - Representative Elbert Guillory**

**Members - McVea, Hazel, Smiley, G. Smith**

Youth Services includes the following programs: Administration, Swanson Correctional Center for Youth, Jetson Correctional Center for Youth, Bridge City Correctional Center for Youth, Field Services, Contract Services and Auxiliary Account.

### **Summary of Committee Meeting**

The Appropriations Subcommittee on Public Safety and Corrections met on April 7, 2008 to hear testimony on the budget for the Department of Youth Services. Chris Keaton, budget analyst for the House Fiscal Division, presented the budget for the department, including a review of the

department's means of finance, significant budget increases for FY 08-09, significant budget decreases for FY 08-09, and means of finance substitutions.

Mr. Keaton discussed the following significant budget adjustment increases: \$2.3 million SGF for salary adjustments related to Career Progression Group annualizations; \$2.2 million SGF for state employee merit increases; and \$972,143 SGF to annualize state employee pay increases that were given in the current fiscal year. There were three significant budget decreases which included an \$8.6 million SGF decrease and the elimination of 64 vacant positions; a \$4.1 million SGF decrease to non-recur funding in the current year for payments made for residential and non-residential services; and a \$2.3 million reduction to non-recur funding for one-time purchase of acquisitions and major repairs.

Mr. Keaton also reviewed the total budgets for the different Youth Services programs, the numbers and percentages of youth in different levels of custody by offense category, and the costs of secure care in the juvenile facilities. LA spends an average of \$100,000 per year per juvenile in secure care, with the costs at Jetson Correctional Center at approximately \$159,000 per juvenile per year. The annual cost per juvenile in secure care facilities has risen from \$38,000 per juvenile in 2001, to over \$100,000 per juvenile in 2008. The annual costs for juveniles in secure care in surrounding states is much lower.

Mr. Keaton also discussed the budget for the Local Housing of Juvenile Offenders Program and the \$1.6 million increase in this budget due to a projected increase in the number of juvenile offenders who are being committed to the state's custody.

Secretary Richard Thompson gave an overview of the Department of Youth Services including their administrative program, secure care facilities, OYD regional offices, updated population levels of the legal status of youth committed to OYD, and reforms of youth services programs modeled after those in the state of Missouri.

## **Questions**

Representative Smith asked why money was transferred from the state general fund to the statutory dedicated Youthful Offender Management Fund. This was an administration policy to deposit state general fund into the Youthful Offender Management Fund.

Chairman Guillory asked what would be the impact of 164 vacant position reductions. Secretary Thompson said those cuts could be detrimental to the reform efforts in OYD and could impact their accreditation. However, Youth Services will ask the Division of Administration for exemptions when and where they are needed. Chairman Guillory also wanted to know if there would be a correlation between the loss of positions and violent crimes in the secure care facilities. Undersecretary James Bueche said that he was not aware of any violent crimes in the secure care facilities since he has been undersecretary.

Chairman Guillory asked why the cost of \$436 per day or \$159,000 per year per juvenile at Jetson was so high and what could we do to cut the cost. Secretary Thompson said that it was a national problem and that the state could send 4 kids to Harvard for what we pay for a juvenile. However, he looks at it as an investment in youth, because if they recidivate to the adult correctional system we will have to pay for them for the rest of their lives. Chairman Guillory agreed that we have to reduce recidivism but that we needed to reduce this very high cost.

Representative Smiley also said that the cost per day figures were extremely high compared to other states and we needed to reduce this \$159,000 cost per day figure, and he said that it was Secretary Thompson's job to reduce these numbers. Secretary Thompson said that he agreed that he needed to look at the agency and run it like a business. He said that Louisiana had made tremendous strides in identifying the youths' individual problems, and Louisiana is doing a better job than other states. Representative Smiley asked Secretary Thompson to provide the committee with facts to show how Louisiana was doing compared to other states. Representative Smiley also asked Secretary Thompson if OYD was making cuts, particularly in administration, and Secretary Thompson said that he was looking at areas to cut. Representative Smiley also asked if contracting work was bid out. Undersecretary Bueche said that it depended upon the area and that in urban areas they received more bids. Representative Smiley asked Secretary Thompson to look at the budget and present the committee with reduced expenditures next year.

Representative Gary Smith asked Secretary Thompson if OYD was evaluating its programs to make them more like Missouri and he asked what Missouri spent on their secure care. Secretary Thompson said that he would get those figures because Missouri would be in Louisiana next week working with OYD. Secretary Thompson said that he was trying to regionalize programs which should lower costs. Representative Gary Smith asked about employment problems in the facilities. Undersecretary Bueche said that OYD had some difficulty recruiting but that the recent pay raises should help the turnover situation. The starting pay was raised from \$19,000 to \$24,000. Undersecretary Bueche said that the hiring freeze had restricted OYD's efforts but that they were requesting exemptions. Representative Gary Smith also asked what were the true conditions of the facilities. Secretary Thompson said there is a tremendous need for renovations in the secure care facilities and was working with the Division of Administration to ensure that the facilities are safe.

Representative Gary Smith wanted to know the correctional officer to juvenile ratio and how it affected security. Secretary Thompson said that if juveniles commit crimes in the facilities then they will be charged and OYD will no longer tolerate crimes which are committed by juveniles in the secure care facilities. Representative Gary Smith also wanted to know if OYD was tracking recidivism rates of juveniles into the adult facilities. Secretary Thompson said that they were tracking those youths. He said the poor education was a big reason so many youths ended up in OYD custody and that he was working to try to get more juveniles in GED programs. He also wanted to have the juveniles learn certain job skills. Representative Smith wanted to see reports on the number of juveniles in job skills programs.

Representative Hazel asked how OYD custody was defined and Undersecretary Bueche said that



custody was determined by the court when the court committed the juvenile to the state's custody. Representative Hazel wanted to know why the cost for the secure care for juveniles was so much higher than adult facilities. Undersecretary Bueche said that social workers work with fewer juveniles in the OYD facilities and there were fewer juveniles per correctional officer in the juvenile setting. Substance abuse prevention programs, mental health programs and programs that teach morals are being provided for the juveniles. Representative Hazel wanted to know if each juvenile was assessed and Secretary Thompson said it was being done but it could be done better. Representative Hazel asked what percentage of juveniles were in GED programs. Secretary Thompson said that only about 56 juveniles or 10% received their GED's, which is very low. Representative Hazel asked if the number of violent incidents in the secure care facilities was declining. Undersecretary Bueche said that violent incidents were declining.

## **Appropriation Subcommittee on Public Safety and Corrections**

### **Report on Corrections, Public Safety, and Youth Services**

#### **SUBCOMMITTEE RECOMMENDATION**

The goal of the subcommittees of the Appropriations Committee, the full committee, and the entire House, is to first act as good stewards of state taxpayer dollars by ensuring the most cost-efficient delivery of state services possible, while, at the same time, recognizing that "one-time" dollars should not be spent on recurring expenses.

In conclusion, after review of the above mentioned agency budgets, we the members of the Subcommittee on Public Safety and Corrections recommend the following adjustments to the FY 08-09 budgets:

<u>Department</u>	<u>Minimum Adjustment</u>
Corrections	(\$1,000,000)
Public Safety	(\$500,000)
Youth Services	(\$5,000,000)

The minimum adjustment may be revised by the full Appropriations Committee. The amount of the revision will be determined at such time as the Revenue Estimating Conference meets and recognizes additional revenue for FY 08-09.

## **Appropriation Subcommittee on Public Safety and Corrections**

### **Report on Corrections, Public Safety, and Youth Services**

#### **ADDENDUM**

#### **FINAL ACTION OF APPROPRIATION SUBCOMMITTEE ON PUBLIC SAFETY AND CORRECTIONS**

Chairman Guillory recommended, and the committee approved, the adoption of the minimum adjustments for Corrections, Public Safety, and Youth Services.

Chairman Guillory recommended, and the committee approved, the following adjustments for Corrections, Public Safety, and Youth Services:

- 1.) that funding and positions be realigned within the Department of Corrections to allow the department to address issues at the facilities that could result from the elimination of vacant positions. This recommendation will not impact the total funding or total authorized positions for the Department of Corrections.
- 2.) that the performance indicators for the Department of Corrections be updated to reflect the most recent performance information for the department. This recommendation will not impact the total funding or total authorized positions for the Department of Corrections.
- 3.) that budgetary authority in the Department of Youth Services be realigned from Administration to Contract Services for the LSU Health Sciences Center contract for medical, mental health, and dental services provided to Louisiana's adjudicated youth within the three secure care facilities. This adjustment will not impact the total funding or total authorized positions for the Department of Youth Services.
- 4.) that the total minimum adjustment to the Department of Youth Services be increased to \$10 million. The additional \$5 million in savings generated by this adjustment will be applied to the following recommendations:
- 5.) that the 29 vacant positions that were eliminated in Probation and Parole be reinstated. Probation and Parole currently operates at a ratio of 125 offenders per agent, where the southern average is 85 offenders per agent. In addition, Louisiana probation and parole officers handle an average of 121 cases per officer. This would cost \$1,840,000.

- 6.) that the 5 vacant positions eliminated in the Fire Marshal's Office budget be reinstated. This recommendation will help the office to keep the backlog of plan reviews to a minimum. This would result in a budget increase of \$311,570. Also, request the Commissioner of Administration to remove the hiring freeze on the 14 architect positions in the Fire Marshal's Office, which would allow the office to continue to keep plan review turnaround time to a minimum.
- 7.) that the Department of Youth Services receive a budget adjustment increase of \$750,000 in Interagency Transfers from DHH for Medicaid funding for multi-systemic therapy for evidenced based programs for youth committed to OYD.
- 8.) that the starting salary for probation and parole agents be increased to \$40,000 per year. Current starting pay for probation and parole agents is \$30,060. It would cost approximately \$7.5 million to give 550 probation and parole agents this pay increase.
- 9.) that the Department of Youth Services develop a budget to provide for appropriate care of juveniles in secure care facilities at a budgeted figure of \$90,000 per juvenile per year.
- 10.) that, whenever possible, the implementation of budget reductions be made in a manner which will not negatively impact employees or the salaries of correctional officers or probation and parole agents.